

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2103 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Seraj Ansari @ Md. Seraj, S/o Basir, Resident of Village - Mill Chowk
Ward No. 9, Gunbanti, P.S. Bousi, District - Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for regular bail vide order dated 21.05.2018 in Spl. (SC/ST) Case No. 77 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria (Mahila) P.S. Case No. 09 of 2018 registered under Section 376 of the Indian Penal Code as well as Section 3(2)(r)(a) of the SC/ST Act.

According to FIR, the appellant, who was known to the informant, persuaded her to ride on motorcycle to avoid payment of fare to the auto rickshaw and thereafter took her to a school where liquor was administered to the informant and thereafter she was physically exploited. Other family members of the informant has also supported the allegation to the extent that the appellant was seen fleeing from the place of occurrence



and the victim disclosed about the occurrence which took place in her consciousness.

Learned counsel for the appellant submits that the informant is a married lady, aged about 30 years and she must be aware of whatever was being done with her because she has stated that she ultimately took liquor with the appellant in a lonely place and thereafter appellant, allegedly, physically exploited her. This is a case of consensual relationship. Appellant is in custody since 29.01.2018 and has got no criminal antecedent.

Considering the fact of this case aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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